

### REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 31-47 are currently pending. Claims 31, 36, 41, and 46 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 31-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,151,643 to Cheng et al. (hereinafter “the ‘643 patent”) in view of U.S. Patent No. 6,694,354 to Elg (hereinafter “the ‘354 patent”).

Amended Claim 31 is directed to a method of updating a first version of a device driver installed on a computer of a user, the method comprising: (1) requesting, from an office device by the first version of the device driver installed on the computer, version information of a newest version of the device driver that is stored in a memory of the office device; (2) receiving, from the office device to which the computer is communicatively coupled, the version information of the newest version of the device driver that is stored in a memory of the office device, wherein both the first version and the newest version of the device driver are configured to control operations of the office device; (3) determining, based on the received version information, whether the first version of the device driver installed on the computer is different from the newest version of the device driver stored in said memory; (4) if the determining step determines that the first version is different from the newest version, inquiring whether the user wants to update the device driver on the computer with the newest version of the device driver; and (5) if the inquiring step determines that the user wants to update the device driver, obtaining the newest version of the device driver from the

office device. The changes to Claim 31 are supported by the originally filed specification and do not add new matter.<sup>1</sup>

Applicants respectfully submit that the rejection of Claim 31 (and all associated dependent claims) is rendered moot by the present amendment to Claim 31.

Regarding the rejection of Claim 31 under 35 U.S.C. § 103(a), the Office Action asserts that the '643 patent discloses everything in Claim 31 with the exception that "the first version and the newest version of the device driver are configured to control operations of the office device,"<sup>2</sup> and relies on the '354 patent to remedy that deficiency.

The '643 patent is directed to a computer-implemented method of providing information for software residing on a client computer. As shown in Figure 1, the '643 patent discloses a service provider computer system 102 that is connected to various software vendor computer systems 103, as well as various client computers 101. The '643 patent discloses that the service provider computer does not store the software updates, but rather stores information about where the software updates can be obtained, for example, from the software vendor computer systems themselves. In particular, the '643 patent discloses a method of providing information for software residing on the client computer that includes the steps of maintaining a service provider computer on a network; maintaining, on the service provider computer, a database that contains references to network locations where information from software vendors can be obtained; maintaining, on the service provider computer, a downloadable application that is capable of performing a scan of the client computer to identify one or more products residing on the client computer; establishing a link between the client computer and the service provider computer over the network; downloading the application to the client computer over the communication link; scanning

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<sup>1</sup> See, e.g., Figures 15 and 16 and the discussion related thereto in the specification.

<sup>2</sup> See page 3 of the outstanding Office Action.

the client computer with the application; as a result of the scan, generating a list of software residing on the client computer for which the service provider has information; and for at least one product on the list, downloading to the client computer at least a portion of the information for that product that is available to the service provider.

However, as admitted in the outstanding Office Action, the '643 patent fails to disclose receiving, from an office device to which the computer is communicatively coupled the version information of the newest version of the device driver that is stored in the memory of the office device, wherein both the first version and the newest version of the device driver are configured to control operations of the office device, as recited in amended Claim 31. In particular, Applicants note that the software vendor computer system disclosed by the '643 patent is not the office device recited in independent Claim 31 because the '643 patent does not disclose a device driver installed on the client computer that is configured to control operations on a software vendor computer system, wherein a new version of the device driver is stored in the memory of the software vendor computer system, as required by Claim 31.

Further, Applicants respectfully submit that the '643 patent fails to disclose requesting, from an office device by the first version of the device driver installed on the computer, version information of the newest version of the device driver that is stored in the memory of the office device, as required by Claim 31. The '643 patent is silent regarding a device driver installed on a computer requesting information of a newest version of the device driver stored in the memory of the office device.

The '354 patent is directed to a method for a host computer to access device information corresponding to a peripheral device that is to be used in cooperation with the host computer, including the peripheral device providing to the host computer a first portion of a pointer representative of a peripheral device-specific part of the pointer; the host

computer automatically producing a second portion of the pointer that points to a location from which the device information can be automatically downloaded to the host computer; the host computer combining the first portion and the second portion of the pointers; and the host computer using the pointer to download automatically the device information. In particular, the '354 patent discloses that the device information can include a device driver associated with the peripheral or product information about the peripheral device.<sup>3</sup> Further, the '354 patent discloses that the downloading step can include downloading the device information from the peripheral device. In particular, as shown in Figure 8, the '354 patent discloses that the device driver can be stored in the peripheral device.

However, Applicants respectfully submit that the '354 patent fails to disclose the step of requesting, from an office device by the first version of the device driver installed on the computer, version information of a newest version of the device driver that is stored in a memory of the office device, as required by amended Claim 31. In particular, the '354 patent does not disclose that the device driver that is installed on the host 11 shown in Figure 1 of the '354 patent requests information from the peripheral device 13 regarding a newest version of the device driver that is stored in the memory of the peripheral device 13. Rather, the purpose of the '354 system is for a host computer that does not have a device driver to be able to obtain a device driver. Accordingly, the '354 patent discloses that the peripheral device is able to direct the host computer to the appropriate device driver that is stored at an external location or on the peripheral device. However, in the '354 system, the host computer does not initially have an installed device driver and thus cannot have a device driver that requests from an office device, information of a newest version of the device driver.<sup>4</sup>

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<sup>3</sup> See column 6, lines 52-55.

<sup>4</sup> See '354 patent, column 2, line 56 to column 3, line 5, which states that "when the host computer 11 requires a device driver for a different peripheral device, for example, when the host first communicates with a recently connected peripheral device at 13, the peripheral device communicates to the host computer 11 a partial pointer (a portion of a pointer), for example a partial URL as shown in Figure 1."

Thus, no matter how the teachings of the '643 and '354 patents are combined, the combination does not teach or suggest the step of requesting, from an office device by the first version of the device driver installed on the computer, version information of a newest version of the device driver that is stored in a memory of the office device, as recited in amended Claim 31. Neither the '643 nor '354 patents teach or suggest that a device driver installed on the computer requests the newest version information of a device driver stored on a office device, as required by Claim 31. Accordingly, Applicants respectfully submit that amended Claim 31 (and all associated dependent claims) patentably defines over any proper combination of the '643 and '354 patents.

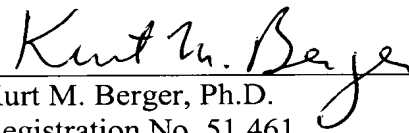
Independent Claims 36, 41, and 46 recite limitations analogous to the limitations recited in Claim 31. Moreover, Claims 36, 41, and 46 have been amended in a manner analogous to the amendment to Claim 31. Accordingly, for the reasons stated above, Applicants respectfully submit that the rejections of Claims 36, 41, and 46 (and all associated dependent claims) are rendered moot by the present amendment to the independent claims.

Thus, it is respectfully submitted that independent Claims 31, 36, 41, and 46 (and all associated dependent claims) patentably define over any proper combination of the '643 and '354 patents.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, reading "Kurt M. Berger", is written over a horizontal line.

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